

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KRINA DOURAMANIS,

Plaintiff,

-against-

DUR-AMERICA BROKERAGE INC., and  
GEORGE DOURAMANIS, individually,

Defendant(s).  
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DUR-AMERICA BROKERAGE INC. and  
GEORGE DOURAMANIS,

Defendants-Counter Claimants,

-against-

KRINA DOURAMANIS,

Counterclaim Defendants,

DUROGUARD CORPORATION,

Additional Counterclaim Defendant.  
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<p><b>USDC SDNY</b>  <b>DOCUMENT</b>  <b>ELECTRONICALLY FILED</b>  DOC #:  DATE FILED: 12/10/2020</p>
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20-cv-5825 (VSB)

**ORDER**

VERNON S. BRODERICK, United States District Judge:

On November 19, 2020, I granted the parties' stipulation that extended Plaintiff/Counterclaim Defendants' deadline to appear, answer, or otherwise move with respect to Defendants' counterclaims to December 4, 2020. (Doc. 15.) On December 4, 2020, Plaintiff filed an amended complaint. (Doc. 16.) This amended complaint briefly addressed the counterclaims as "frivolous" and "clearly retaliatory," but did not otherwise answer, respond to,

or move to dismiss those counterclaims. (*Id.*) The Clerk of Clerk marked this filing as deficient because the pleading was untimely and I had not granted leave for Plaintiff to file an amended complaint. On December 9, 2020, Plaintiff wrote a letter stating that the amended complaint served “as [Plaintiff’s] response to Defendants’ counterclaims” and asking that I deem the filing as timely and properly filed. (Doc. 17.) On December 10, 2020, Defendants objected to this request, stating that the stipulation related only to answering or otherwise responding to the counterclaims, and that Plaintiff was “attempt[ing] to improperly amend the original Complaint under the guise of a purported counterclaim response.” (Doc. 19.) Accordingly, it is hereby:

ORDERED that Plaintiff’s request that I deem the December 4, 2020 amended complaint as timely and properly filed is DENIED. If Plaintiff wishes to file an amended complaint, she must obtain Defendants’ written consent or seek leave from this Court in accordance with Federal Rule of Civil Procedure 15(a)(2).

IT IS FURTHER ORDERED that Plaintiff/Counterclaim Defendants are directed to file an answer or otherwise respond to Defendants’ counterclaims on or before December 17, 2020. This filing should not take the form of an amended complaint and should address each of Defendants’ counterclaims.

SO ORDERED.

Dated: December 10, 2020  
New York, New York

  
Vernon S. Broderick  
United States District Judge